

Remarks

In response to the Office Action dated September 16, 2008, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Claim 1 has been amended. Claims 21-27 are new. Support for the additional subject matter recited by claims 1 and 21 may be found in paragraph 61 of the specification. Therefore, no new matter has been added to the claims. Claims 3-11 have been canceled.

Interview Summary

A telephone interview was conducted on December 5, 2008 between Examiner Fearer and the undersigned. During the interview it was discussed that the combination of Fruchtman and Tremain failed to disclose both a media server and an application storage manger. It also was discussed that the reference failed to disclose consolidated storage in direct communication with at least one application server and in communication with the SAN.

103 Rejections

Claims 1-20 are rejected under 35 USC § 103(a) as being unpatentable over Fruchtman (US 20030172130) view of Tremain (US 20020069369). Applicant respectfully traverses the rejects to the extent that they apply to the currently pending claims.

Claim 1-6, 8-20

Independent claim 1 recites, in pertinent part:

[a]n enterprise data backup and recovery system, comprising:
a first network and a second network in communication through a third network; the first network comprising:
...
the second network comprising:
a second processor layer;
a second storage area network in communication with the second processor layer; and
a second storage layer in communication with the second storage area network layer;

a third storage layer in communication with the second storage area network and in communication with one or more application servers via a dedicated data connection.

It is respectfully submitted that the combination of Fruchtmann and Tremain fail to disclose each of the features recited by claim 1. For example, amended independent claim 1 recites, “a third storage layer in communication with the second storage area network and in communication with one or more application servers via a dedicated data connection.” Fruchtmann describes a backup and restore system with a storage pool coupled to a plurality of clients through a storage area network (SAN). However, Fruchtmann fails to describe a storage layer that is in communication via a dedicated path to an application server and in communication to a storage area network as recited by claim 1. Tremain also fails to account for the noted deficiency. Thus, the combination of Fruchtmann and Tremain fail to describe each feature recited by claim 1 such that claim 1 is allowable for at least this reason. Claims 2-6 and 8-20 depend from claim 1 and are allowable for at least the same reason as claim 1.

Claim 21

Independent claim 21 recites:

[a]n automated storage management server resident on a first storage area network, comprising a processor that:
transfers information from a first storage region resident on the first storage area network to a second storage region resident on the first storage area network, wherein the first storage region is in direct communication through a dedicated data connection to one or more application servers; and
transfers information from the second storage region to a third storage region resident on a second storage area network via a third network.

It is respectfully submitted that the combination of Fruchtmann and Tremain fail to disclose each of the features recited by claim 21. For example, amended independent claim 21 recites, “an automated storage management server that transfers information from a first storage region ... to a second storage region resident on the first storage area network, wherein the first storage region is in direct communication through a dedicated data connection to one or more application servers.” Fruchtmann describes a backup and restore system with a storage pool coupled to a plurality of clients through a storage area network (SAN). However, Fruchtmann fails to describe writing data from a first storage

region in direct communication with an application server to a second storage region as recited by claim 21. Tremain also fails to account for the noted deficiency. Thus, the combination of Fruchtmann and Tremain fail to describe each feature recited by claim 21 such that claim 21 is allowable for at least this reason.

Conclusion

Applicant asserts that the application including claims 1-2 and 12-27 are now in condition for allowance. Applicant requests that a Notice of Allowability be provided. Should the Examiner have any questions or comments, the Examiner is invited to call the undersigned at the number listed below.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025

Respectfully submitted,

Date: December 30, 2008

/Daniel J. Layden/
Daniel J. Layden
Reg. No. 60,921

Withers & Keys, LLC
P.O. Box 71355
Marietta, GA 30007-1355
(770) 643-8912